

Introduced by Senator VincentFebruary 10, 2004

An act to amend Section 44830 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1208, as introduced, Vincent. Teachers: state basic skills proficiency test.

Existing law prohibits the governing board of a school district from initially hiring on a permanent, temporary, or substitute basis a certificated person unless that person has demonstrated basic skills proficiency or is exempted from the requirement. Existing law exempts, among others, from that prohibition a certificated person, who has been employed in a position requiring certification in any school district within 39 months prior to employment with the district.

This bill would also exempt from that prohibition a retired certificated employee who has taught 15 years or more in a California public school and who meets other specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44830 of the Education Code is
- 2 amended to read:
- 3 44830. (a) The governing board of a school district shall
- 4 employ for positions requiring certification qualifications, only
- 5 persons who possess the qualifications therefor prescribed by law.
- 6 It is contrary to the public policy of this state for any person or



1 persons charged, by the governing boards, with the responsibility
2 of recommending persons for employment by the boards to refuse
3 or to fail to do so for reasons of race, color, religious creed, sex,
4 or national origin of the applicants for that employment.

5 ~~(b) Commencing on February 1, 1983, no~~ A school district
6 governing board shall *not* initially hire on a permanent, temporary,
7 or substitute basis a certificated person seeking employment in the
8 capacity designated in his or her credential, unless that person has
9 demonstrated basic skills proficiency as provided in Section
10 44252.5 or ~~unless the person~~ is exempted from the requirement by
11 ~~subdivisions~~ subdivision (c), (d), (e), (f), (g), (h), (i), (j), (k), (l),
12 or (m).

13 (1) The governing board of a school district, with the
14 authorization of the Commission on Teacher Credentialing, may
15 administer the *state* basic skills proficiency test required under
16 Sections 44252 and 44252.5.

17 (2) The superintendent, in conjunction with the commission
18 and local governing boards, shall take steps necessary to ensure the
19 effective implementation of this subdivision.

20 It is the intent of the Legislature that in effectively implementing
21 ~~the provisions of~~ this subdivision, school district governing boards
22 shall direct superintendents of schools to prepare for emergencies
23 by developing a pool of qualified emergency substitute teachers.
24 This preparation shall include public notice of the test
25 requirements and of the dates and locations of administrations of
26 the tests. District governing boards shall make special efforts to
27 encourage individuals who are known to be qualified in other
28 respects as substitutes to take the state basic skills proficiency test
29 at its earliest administration.

30 (3) Demonstration of proficiency in reading, writing, and
31 mathematics by any person pursuant to Section 44252 ~~shall satisfy~~
32 *satisfies* the requirements of this subdivision.

33 (c) (1) A certificated person ~~shall~~ *is not be* required to take the
34 state basic skills proficiency test if he or she has been employed in
35 a position requiring certification in any school district within 39
36 months prior to employment with the district: *or if he or she is a*
37 *retired certificated employee who meets all of the following*
38 *requirements:*

39 (A) *He or she has taught 15 years or more in a California public*
40 *school.*

1 (B) *He or she has been employed at least five of those 15 years*
2 *in the same school district that desires to reemploy that person and*
3 *has been employed as a full-time classroom teacher within the last*
4 *five years or concurrently enrolls in a teacher refresher course that*
5 *meets all of the following requirements:*

6 (i) *The course is developed and administered by the employing*
7 *school district.*

8 (ii) *The course is aligned with the state content and*
9 *performance standards for pupils, adopted pursuant to*
10 *subdivision (a) of Section 60605.*

11 (iii) *The course is approved by the local governing board.*

12 (C) *He or she has been employed as a classroom teacher or*
13 *administrator within the last 10 years.*

14 (2) A person holding a valid California credential who has not
15 been employed in a position requiring certification in any school
16 district within 39 months prior to employment and who has not
17 taken the state basic skills proficiency test, but who has passed a
18 basic skills proficiency examination—~~which~~ *that* has been
19 developed and administered by the school district offering that
20 person employment, may be employed by the governing board of
21 that school district on a temporary basis on the condition that he
22 or she will take the state basic skills proficiency test within one
23 year of the date of his or her employment.

24 ~~(2)–~~

25 (3) A certificated person who is employed for purposes of the
26 class size reduction program set forth in Chapter 6.10
27 (commencing with Section 52120) of Part 28 ~~shall not be~~ *is not*
28 required to take the state basic skills proficiency test if he or she
29 has been employed in a position requiring certification in any
30 school district within 39 months prior to employment with the
31 district. A person holding a valid California credential who has not
32 been employed in a position requiring certification in any school
33 district within 39 months prior to employment for purposes of the
34 class size reduction program and who has not taken the state basic
35 skills proficiency test may be employed by the governing board of
36 that school district on a temporary basis on the condition that he
37 or she will take the state basic skills proficiency test within one
38 calendar year of the date of his or her employment.

39 ~~(d) Nothing in this~~ *This section shall* does not require a person
40 employed solely for purposes of teaching adults in an

1 apprenticeship program, approved by the Apprenticeship
2 Standards Division of the Department of Industrial Relations, to
3 pass the state proficiency assessment instrument as a condition of
4 employment.

5 (e) ~~Nothing in this~~ *This section shall does not* require the holder
6 of a child care permit or a permit authorizing service in a
7 development center for the handicapped to take the state basic
8 skills proficiency test, so long as the holder of the permit is not
9 required to have a baccalaureate degree.

10 (f) ~~Nothing in this~~ *This section shall does not* require the holder
11 of a credential issued by the commission who seeks an additional
12 credential or authorization to teach, to take the state basic skills
13 proficiency test.

14 (g) ~~Nothing in this~~ *This section shall does not* require the holder
15 of a credential to provide service in the health profession to take
16 the state basic skills proficiency test, ~~so long as if~~ that person does
17 not teach in the public schools.

18 (h) If the *state* basic skills proficiency test is not administered
19 at the time of hiring, the holder of a vocational designated subject
20 credential who has not already taken and passed the *state* basic
21 skills proficiency test may be hired on the condition that he or she
22 will take the test at its next local administration.

23 (i) If the holder of a vocational designated subject credential
24 does not pass a proficiency assessment in basic skills pursuant to
25 this section, he or she shall be given one year in which to retake and
26 pass the proficiency assessment in basic skills. If at the expiration
27 of the one-year period he or she has not passed the proficiency
28 assessment in basic skills, he or she shall be subject to dismissal
29 under procedures established in Article 3 (commencing with
30 Section 44930) ~~of Chapter 4~~.

31 (j) ~~Nothing in this~~ *This section shall be construed as requiring*
32 *does not require* the holder of a vocational designated subject
33 credential to pass the state basic skills proficiency test as a
34 condition of employment. The governing board of each school
35 district, or each governing board of a consortium of school
36 districts, or each governing board involved in a joint powers
37 agreement, which employs the holder of a vocational designated
38 subject credential shall establish its own basic skills proficiency
39 for these credentials and shall arrange for those individuals to be
40 assessed. The basic skills proficiency criteria established by the

governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) ~~Nothing in this~~ This section ~~shall be construed as requiring~~ *does not require* the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) ~~Nothing in this~~ This section ~~shall be construed to~~ *does not* require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) Notwithstanding any other ~~provision of~~ law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall ~~then~~ take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

